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ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT
22 NORTHERN DISTRICT OF CALIFORNIA
23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.
25 Plaintiff,
26 v.
27 GOOGLE INC.
28 Defendant.

Case No. CV 10-03561 WHA

**DECL. OF ANDREW D. SILVERMAN RE
ORACLE'S RESPONSE TO GOOGLE'S MOT.
TO STRIKE RE JAMES R. KEARL**

Hearing: April 27, 2016, 8:00 a.m.
Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

1 I, Andrew D. Silverman, declare and state as follows:

2 1. I am a member of the bars of the States of California, New York, and the District
3 of Columbia, admitted to practice before this Court, and an associate with the law firm of Orrick,
4 Herrington & Sutcliffe LLP (“Orrick”), attorneys of record for plaintiff Oracle America, Inc.
5 (“Oracle”). I am familiar with the events, pleadings and discovery in this action and, if called
6 upon as a witness, I could and would testify competently to the matters stated herein of my own
7 personal knowledge.

8 2. I submit this declaration in support of Oracle’s Response to Google’s Motion to
9 Strike Testimony of James R. Kearl.

10 3. Attached hereto as Exhibit 1 is a true and correct copy of the relevant excerpts of
11 the Deposition of Gregory K. Leonard, dated March 11, 2016, which is filed tentatively under
12 seal pursuant to the protective order.

13 4. Attached hereto as Exhibit 2 is a true and correct copy of the relevant excerpts of
14 the Deposition of James R. Kearl, Ph.D., dated March 23, 2016, which is filed tentatively under
15 seal pursuant to the protective order.

16 5. Attached hereto as Exhibit 3 is a true and correct copy of the relevant excerpts of
17 the Deposition of Eric Schmidt, dated August 23, 2011, which is filed tentatively under seal
18 pursuant to the protective order.

19
20 I declare under penalty of perjury under the laws of the United States the foregoing is true
21 and correct.

22 Executed this 8th day of April, 2016, at New York, NY.

23 /s/ Andrew D. Silverman

24 Andrew D. Silverman